(23 Waterview Road) 15th Election District 7th Councilmanic District

* OF BALTIMORE COUNTY * Case No. 92-24-A

Willard E. McJilton, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 10 feet and a rear yard setback of 26 feet in lieu of the required 30 feet for a proposed garage in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits of the Zoning Commissioner, the information, pictures, and alliquited of the Zoning Commissioner, the information, pictures, and alliquited provide sufficient facts that comply with the requirements of submitted provide sufficient facts that comply with the requirements of the B.C.Z.R. Furthermore, strict compliance with the Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas

This property is located within the Chesapeake Bay Critical Areas on Bear Creek and as such, is subject to the requirements of the Department of Environmental Protection and Resource Management upon completion of their review of this request.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this August, 1991 that the Petition for Residential Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 10 feet and a rear yard setback of 26 feet in lieu of the required 30 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed accessory structure (garage) to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

4) Compliance with the Department of Environmental Protection and Resourcement Management requirements to

- 2-

be submitted upon completion of their review of this

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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/ Zoning Commissioner for Baltimore County

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clements and permet entrance olling weather conditions. Sparage conforms to double front lot set back. Entable to Nor of Konse would be relocated to lemptore accessability of var entrance.

CREMUM AREA

92-24-A

37

OF THE NEAREST IMPROVED INTERSECTING STREET WISE AVENUE WHICH IS

CRITICAL AREA

Sarage well be attached to house and intrance to protect vehicle from

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE WEST SIDE OF WATERVIEW ROAD WHICH IS 25 FEET WIDE AT THE DISTANCE OF 740 FEET SOUTH OF THE CENTERLINE 40 FEET WIDE. BEING LOT #14, BLOCK 000, SECTION #00 IN THE SUBDIVISION OF PERRY POINT AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #08, FOLIO #16, CONTAINING 7990 SQUARE FEET, ALSO KNOWN AS BOUN #UD, FULTU #10, CUNTATINEND / 770 SWUMKE FEET, HESU KNOWN 23 WATERVIEW ROAD AND LOCATED IN THE #15 ELECTION DISTRICT.

PETITION FOR RESIDENTIAL VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-24-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1B02.3.C.1 To allow a side yard setback of 1 ft. and a rear setback of 26 ft. in lieu of the required 10 ft. and 30 ft. respectively. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following teason: Practical difficulity due to irregular shape of lot. (Set Armond Preso) Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and reatrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Willard Eugene McJilton Type og Print (hype)

Signatura

Signatura City/State/Zip Code Attorney for Petitioner: W455-0515 23 Waterview Road H477-9049 (Type or Print Name) Baltimore, Maryland 21222 Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Attorney's telephone number ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of 500, 1991, that the subject matter of this petition be posted on the property on or before the 11 THday of Auc., 19 91. ZONING CONTISSIONER OF BALTIMORE COUNTY A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject

ORDER RECEIVED FOR FILING Date	ZONING COMMISSIONER OF BALTIMURE COUNTY

matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspepers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock,

County Office Building
111 West Chesapeake Avenue

GRITICAL AREA

Account: R-001-6150

H9200032

PUBLIC HEAPTNO FEES \$35.00 010 -ZONINE VARIANCE (IRL) \$25.00 OBC -POSTING SIGNS . ADVERTISING 1

TUTAL: \$60.00 LAST MARKS OF OWNERS NO SILTON

Please Make Checks De 200 中央 Balffrigore County \$60.00 BA CO09:50AM07-22-91

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 92-24-A The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently or upon settlement will reside at _____ 23 Waterview Road, Baltimore, Maryland 21222 That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) PRACTICAL DIFFICULTY DUR TO INREGULOR SHAPR OF LOT. SEE D-TIPELED. That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Adlan Eugen Milth

AFFIANT (Handwritten Signature)/ Willard Eugene McJ#lton AFFIANT (Printed Name)

Janet Virginia McJilton AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of Donnellow 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Willand Eugene me Julton and Janet Virginia me Julton the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

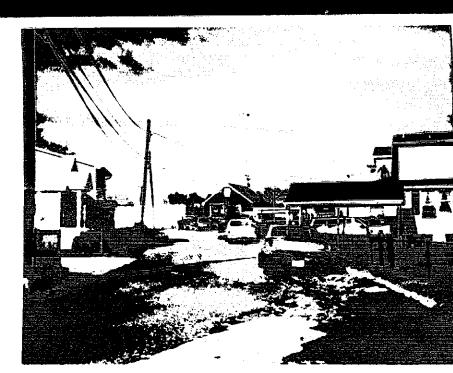
Marcy R. Bruss July 1, 1991



NORTH TOWARD WISKAUR FROM END OF 23 WATERVIRW



KAST FROM KNO OF 23 WATERVIEW RO



NONTH TO WISE AUR FROM CRUTER OF BOSTREVIEW RD



21+19 WATERVIEW RD

92-24-A

CRITICA AREA SOPY OF INFOUNTAGE SENT TO CHUTICAL AREA. (ten Hermine FLIE Chin)

DAVID FLOWERS DEPARTMENT OF EVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

CRITICAL AREA REVIEW

PROPERTY LOCATED AT 23 WATERVIEW ROAD FALLS WITHIN THE CRITICAL AREA RESTRICTIONS. PROPOSED ADDITION REQUIRES ZONING VARIANCE (ATTACHED) TO ALLOW STRUCTURE TO BE WITHIN ONE FOOT OF THE PROPERTY LINE.

PROPERTY

LOT 14 DEED 5191-32 PROPERTY # 15-20-301340 23 WATERVIEW ROAD BALTIMORE MARYLAND 21222

IMPERVIOS SURFACE

CURRENT PROPOSED HOUSE 1152 1152 SIDEWALK 288 288 GARAGE 240 ENTRANCE 240 TOTAL 1440 1920 LAND 7990 7990 IMPERVIOUS 18% 24%

ATTACHED BILLS REFERENCE IMPERVIOS SURFACE LIMITATIONS, PURPOSED ADDITION IS WITHIN BILL LIMITATIONS.

TREES AND SHRUBBERY ARE INDICATED ON SITE PLAN.

ATTACHMENTS: HOUSE BILLS SITE PLAN

SUBMITTED BY: WILLARD E. MC JILTON 23 WATERVIEW ROAD BALTIMORE MARYLAND 21222 HOME: 301 477 9049 WORK: 301 455 0515



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

TO: Mr. J. Robert Haines

1. 16 20 th 42 4.24-A

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 32 McJilton Property Chesapeake Bay Critical Area Findings



SITE LOCATION

The subject property is located at 23 Waterview Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Willard Eugene McJilton

APPLICANT PROPOSAL

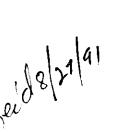
Critical Area Law:

The applicant proposes to build a new garage attached to the existing house. The applicant has requested a variance from section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit "a side yard setback of one foot and a rear setback of 26 feet in lieu of the required 10 feet and 30 feet respectively".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>



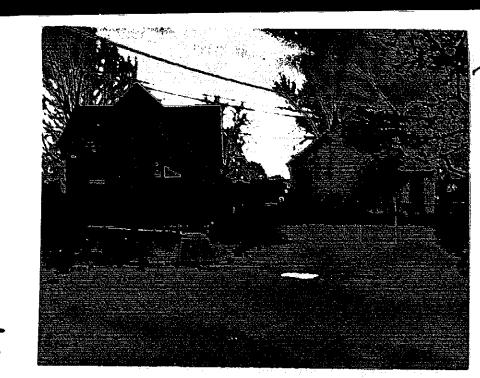
Petitioner's Attorney:



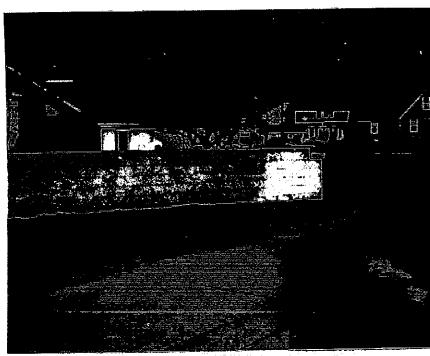
23 WATERVIEW FROM WATERVIEW RD Subject Property



CORNER OF 23 WOTERVIEW AND 25 WOTERVIEW



23+21 WATERWAY FROM WATERVIRWAD



END OF 23 un Turvisen) LOOKING NORTH to WISK AVE

92-24-A 3/26

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Plans are required.

RE: Zoning Advisory Committee Meeting for August 6, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 25, 28, 32, 33, 34, 36, 39, 40, 42, 43 and 44.

For Item 483 (Case No. 91-494-A), the previous minor subdivision comments are applicable.

For Items 35 and 37, revised County Review Group

Robert W. Bowling / DAK ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

August 19, 1991

887-3353

Mr. & Mrs. Willard E. McJilton Baltimore, MD 21222

> RE: Item No. 32, Case No. 92-24-A Petitioner: Williard McJilton, et ux Petition for Residential Variance

Dear Mr. & Mrs. McJilton:

23 Waterview Road

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: August 16, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Walker Property, Item No. 505 Parsons Property, Item No. 9 Donovan Property, Item No. 10 Wolf Property, Item No. 17 Pearson Property, Item No. 19 Stifler Property, Item No. 22 Felts Property, Item No. 24 Melchor Property, Item No. 25 Faulkner Property, Item No. 27 McJilton Property, Item No. 32 Horne Property, Item No. 33 Elsnic Property, Item No. 38 Mugrage Property, Item No. 39 Copeland Property, Item No. 42 Eckert Property, Item No. 44 Hartel Property, Item No. 50 Gimbel/Gaffney Property, Item No. 51

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

NUMEROUS.ITM/ZAC1

Rec'd 8/22/91

INTER-OFFICE CORRESPONDENCE DATE: August 20, 1991 Zoning Commissioner

9,21.92

111 West Chesapeake Avenue

Towson, MD 21204

Your petition has been received and accepted for filing this 22th day of July, 1991.

Baltimore County Government Office of Zoning Administration

887-3353

and Development Management

Office of Planning & Zoning

Petitioner: Willard E. McJilton, et ux

111 West Chesapeake Avenue Towson, MD 21204

887-3353

August 28, 1991

Mr. & Mrs. Willard E. McJilton 23 Waterview Road Baltimore, Maryland 21222

RE: PETITION FOR RESIDENTIAL VARIANCE W/S Waterview Road, 740' S of the c/l of Wise Avenue (23 Waterview Road) 15th Election District - 7th Councilmanic District Willard E. McJilton, et ux - Petitioners Case No. 92-24-A

Dear Mr. & Mrs. McJilton:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

cc: Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

* BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: September 11, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 6, 1991

This office has no comments for item numbers 25, 28, 32, 33, 34, 35, 39, 40, 42, 43 and 44.

Traffic Engineer II

RJF/lvd

CERTIFICATE OF POSTING

Petitioner: Willow Eugene Mc Jillon, of up Location of property 790' S/Wiso Are. on w/s Water Jiam A.

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

AUGUST 6, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: WILLARD EUGENE MCJILTON

Location:

#23 WATERVIEW POAD Zoning Agenda: AUGUST 6, 1991

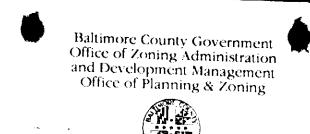
Gentlemen:

Item No.:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

JK/KEK



H1 West Chesapeake Avenue Towson, MD 21204

Jugust 1, 1991

887-3353

Re: CASE NUMBER: 92-24-A LOCATION: 740' S of c/l Wise Avenue on W/S Waterview Road 23 Waterview Road

Dear Petitioner(s):

Willard and Janet McJilton

Baltimore, Maryland 21222

23 Waterview Road

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 11, 1991. The closing date is August 26, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391

